



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Patent Examining Operations**

Applicant(s):       Flyer et al  
Serial No:           10/022,286                               Art Unit: 1644  
Filed:               13 December 2001                   Examiner: Dibrino, M.  
Title:                MHC CLASS I-ASSOCIATED PEPTIDES FOR PREVENTION AND  
                          TREATMENT OF TUBERCULOSIS  
Docket No:          723550-9

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ELECTION OF INVENTION**

Sir:

In response to the Restriction Notice, dated 30 June 2004, Applicants responds by electing the claims of Group I (claims 1-8, 14 and 24-30) drawn to a polypeptide, immunogens and compositions with traverse.

For an election of species, Applicants elect the sequence of SEQ ID NO: 1. Applicants believe that all sequences sufficiently similar to SEQ ID NO: 1 should be included within the examination if they meet the limitations of the claim and Applicants do not mean to limit the claims of Group I to only SEQ ID NO: 1. Thus, if the claim recited a percent identity then more than one sequence would be within the claim. Applicants also reserve the right to any species if a generic claim is found allowable.

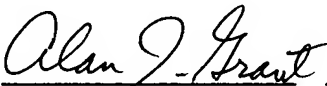
Applicants believe that this election of species applies to all of claims 1-8, in that

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they all recite an immunogen that might include a polypeptide comprising the amino acid sequence of SEQ ID NO: 1, and to claim 14, since this claim recites a vaccine composition comprising such an immunogen, and to claims 24-29 in that these claims recite an isolated peptide that may comprise the sequence of SEQ ID NO: 1, and to claim 30 in that this claim recites a composition containing one of the aforementioned isolated peptides.

Applicants appreciate the fact that SEQ ID NO: 1 contains only 9 amino acids and that therefore the size range of 8 to 14 amino acids, intended to cover all of sequences 1 to 5, may need to be adjusted depending on what claims are eventually allowed but such amendment need not be made at this time.

No fee is believed due in filing this response. The Commissioner is authorized to charge payment of any fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

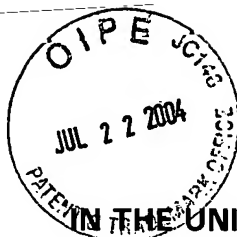
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| <b><u>FIRST CLASS CERTIFICATE</u></b>  |                        |
| I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to: |                        |
| Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450   |                        |
| <br>Alan J. Grant, Esq.                                       | <u>7/19/04</u><br>Date |

Respectfully submitted,



Alan J. Grant, Esq.  
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1644  
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Docket No: 723550-9

19 July 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

In response to the Restriction Notice, dated 30 June 2004, Applicants submit the following materials:

1. Election of Invention; and
2. Return Postcard.

No fee is believed due in filing these papers. If any fee is due, Applicant authorizes the Commissioner to charge such fees to Deposit Account No. 03-0678.

**FIRST CLASS CERTIFICATE**

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*Alan J. Grant*

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7/19/04

Date

Respectfully submitted,

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